

ORIGINAL

UNITED STATES DISTRICT COURT

for the

Central District of California

FILED
CLERK U.S. DISTRICT COURT

NOV 30 2018

CENTRAL DISTRICT OF CALIFORNIA
BY  DEPUTY

United States of America

v.

Steve Kim

Case No.

18MJ 03184

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 29, 2018 in the county of Los Angeles in the
Central District of California, the defendant(s) violated:

Code Section

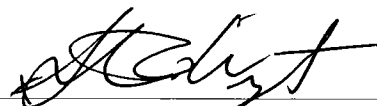
Title 18, United States Code,
Section 175(a)

Offense Description

Prohibition with Respect to Biological Weapons

This criminal complaint is based on these facts:

On or about November 29, 2018, in Los Angeles County, within the Central District of California, defendant STEVE KIM knowingly attempted to acquire, retain, and possess a biological agent and toxin, namely ricin, for use as a weapon.

☒ Continued on the attached sheet.

Complainant's signature

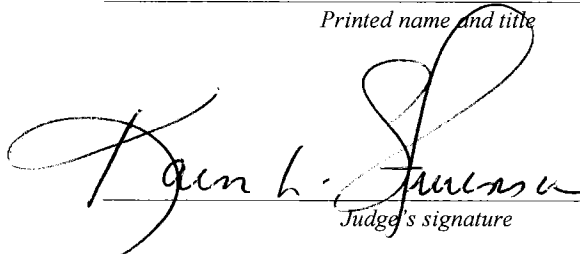
STUART D. WRIGHT, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

Nov. 30, 2018



Judge's signature

City and state:

Los Angeles, California

Honorable Karen L. Stevenson

Printed name and title

A F F I D A V I T

I, STUART D. WRIGHT, being duly sworn, hereby depose and say:

BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been employed with the FBI since April 2006. I am currently assigned to the Los Angeles Joint Terrorism Task Force ("JTTF"), where I specialize in the investigation of both international and domestic terrorism, as well as investigations involving weapons of mass destruction. My duties at the JTTF include investigating violations of the laws of the United States, as stated in Title 18, United States Code. During my career as an FBI Special Agent, I have participated in investigations of persons using and attempting to use toxins or purported toxins to harm others.

2. Prior to my work with the FBI, on July 7, 1996, I obtained my undergraduate degree in Biochemistry at University of Minnesota, St Paul/Minneapolis. On August 17, 1999, I obtained my Master of Science Degree in Biochemistry at University of Michigan, Ann Arbor. My career in Biochemistry began in August 1999 at the University of Michigan while studying the virulence of the plague-causing bacteria "Yersenia pestis." In February 2002, I became a scientist at Pharmacia, Inc. in Skokie, Illinois, conducting electrophysiology assays on

human cells using a variety of chemical compounds that might some day become used as pain management drugs. In October 2003, I became senior scientist/laboratory manager at the Molecular Biology Consortium in Chicago Illinois, studying the effect of ultraviolet radiation on the mobility of the Salmonella typhimurium, while furthering the understanding of the biological motor that propels the bacteria. In December 2005, I became lab designer of a cancer research laboratory at the Gwen Knapp Oncology Center at the University of Chicago. There, I used my laboratory expertise to build and manage a cancer research facility for the University prior to entering Quantico in April 2006 for FBI Special Agent training.

3. I have experience in Cyber-based investigative matters and the methods used by criminals in furtherance of their criminal activities in both the virtual and physical worlds. I have participated in investigations involving the use of GPS monitoring on phones and vehicles, and am aware of the investigative utility and limitations of using such equipment.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a criminal complaint against and an arrest warrant for Steve Kim ("KIM") for a violation of 18 U.S.C. § 175(a).

5. Unless otherwise stated, the facts set forth in this affidavit are based upon my personal observations; my training

and experience; oral and written reports about this and other investigations, which I have received from other federal agents and other law enforcement agencies; my review of social media; and physical surveillance conducted by federal agents or local law enforcement agencies, which has been reported to me either directly or indirectly. Unless otherwise noted, when I assert that a statement was made, I have either heard the statement directly or listened to a recording of the statement, or the statement was reported to me by another law enforcement officer, either directly or in a written report. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and arrest warrant, and does not purport to set forth all of my knowledge of or investigation into this matter.

PROBABLE CAUSE

6. Based on my training and experience, my review of law enforcement reports, as well as my own observations and knowledge of the investigation, I am aware of the following:

a. Ricin is a plant protein derived from castor beans (*ricinus communis*). Based upon my training and experience, I understand that ricin is a "toxin" within the meaning of 18 U.S.C. § 178.¹ Ricin is a highly lethal

¹The term "toxin" means the toxic material or product of plants, animals, microorganisms (including, but not limited to,

biological toxin. Ricin can be fatal if ingested, inhaled, or injected, even if in small quantities. There is no antidote or cure for ricin poisoning.

b. Website #1² is a hidden service website that is a publicly accessible marketplace and forum. A username and password is required to access the marketplace and forum for Website #1, but the registration process is open to the public. The marketplace for Website #1 contains numerous subsections advertising the sale of ricin.

c. On September 29, 2018, an FBI Online Covert Employee ("OCE") posing as an online seller for Website #1 received an unsolicited message from KIM inquiring about the availability of ricin. Specifically, the OCE, using an

bacteria, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes -

(A) Any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(B) Any poisonous isomer or biological product, homolog, or derivative or such a substance.

18 U.S.C. § 178(2).

²The actual name of Website #1 is known to law enforcement. The site remains active and disclosure of the name of the site would potentially alert users to the fact that law enforcement action is being taken against the site, potentially provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, for purposes of the confidentiality and integrity of ongoing investigations, specific names and other identifying factors have been replaced with general terms.

undercover moniker, accessed Website #1 and received an unsolicited private message from moniker Jabber451, later identified by law enforcement as KIM, saying "are you going to restock."

d. On October 2, 2018, the OCE responded by saying: "I make ricin on demand and to fit specific need? I not ship everywhere. where you need shipped i let you know if it possible. ok?"

e. The same day, KIM responded: "what is the minimum order and how much. i would need it shipped to los angeles."

f. On October 3, 2018, the OCE responded: "Hollywood you near. very nice. I ship to america before no problem. no min amount friend i make to order for your need. you have . . . account ? More secure so we can work out what amount you need to fix whoever cause you problem. cost near 200 euro plus cost to ship. but depend on need. Maybe less for amount you want. we work out detail."

g. On October 5, 2018, KIM replied: "i hope i don't offend you but would prefer to transact on this market. would that be ok? what is the typical amount?"

h. On October 8, 2018, the OCE responded: "we stay on market if you like. Not offend. no typical amount. Last person buy 10mg in solution. Amount you need depend on how you

want to give to person and how big person is. You want to make them eat ricin or you want inject?"

i. After not receiving a response, on October 14, 2018, the OCE asked: "you still want?"

j. On October 15, 2018, KIM responded: "yes. how much total with shipping to united states?"

k. On October 16, 2018, the OCE responded: "Maybe 300 Euro. Never know real cost to post till I have post code from you. You never say how much ricin you need friend. Like I mention before I make each batch for person. Like I say last customer buy 10mg in suspension. That work perfect for how he want to deliver and lethal for victim (factored in height/weight). Ricin very dangerous and easy use. you want I make then I make for you no problem. But need detail how you want product so I know how much for you to make okay friend. You say how you want use and what form (powder?) and height/weight of victim so I make best product very lethal for you to us."

l. On October 17, 2018, KIM replied: "the person would be 50kg/110lbs . shipping would be to los angeles, postal code 90036."

m. On October 18, 2018, the OCE replied: "ok that weight not need lot ricin to be bad day for person. I can make for you no problem. You know how you want to deliver to person so I know to ship as powder or liquid? You make eat or drink it

make difference in dose. You have questions I help ok! I start getting ready to make you order friend."

n. On October 18, 2018, KIM replied: "they would be drinking it. so would that come in liquid? is powder easier to ship? thank you."

o. On October 19, 2018, the OCE stated: "as powder you still able to put in drink no problem. It dissolve in liquid and still do job. I ship powder or liquid before no issue, but powder more easy to conceal I think. You want I make it powder?"

p. The same day, KIM replied: "ok. can you tell me how much to ship powder? what is the estimated shipping? should i just place the order through your listing?"

q. On October 19, 2018, the OCE responded: "320 Euro this include shipping and cost for concealment. I make custom listing for you ok. Should be ready in few day. I have make supply run soon."

r. On October 21, 2018, KIM stated: "OK. please link the listing when complete." On October 23, 2018, the OCE sent the link to purchase the ricin on Website #1.

s. On October 29, 2018, the OCE stated: "it been days friend and not have word from you. you still need?"

t. On November 1, 2018, KIM replied: "sorry for the delay. i will get you payment by tomorrow, [Friday, November 2, 2018]."

u. On November 6, 2018, the OCE stated: "Hollywood! Your day must be many times longer than my day. HA! It has been many tomorrows here friend. You have troubles?"

v. On November 7, 2018, KIM replied: "sorry for the delay. waiting for funds to transfer and will submit payment once i have funds ready. will send as soon as its ready. thank you for your patience."

w. On Saturday, November 10, 2018, KIM stated: "sorry again for the delay. just sent payment." The same day the individual stated: "Sorry for the delay. Here is the shipping address: Steve Kim 5670 Wilshire Blvd. Floor 24 Los Angeles, CA 90036."

x. Blockchain³ analysis of the transaction information associated with Jabber451's purchase of ricin on Website #1 revealed the funds originated from the Bitcoin address ending in "GZuC." The transaction occurring on November 10, 2018 involved approximately 0.05809 Bitcoin being sent from the Bitcoin address ending in "GZuC," which was subsequently followed by the Bitcoin address ending in "GZuC" sending 0.056999 BTC to the payment address associated with Website #1 for the ricin purchase.

³The blockchain is a public ledger of all Bitcoin transactions that have ever been executed. It is constantly growing as completed blocks of new transactions are added to it in a linear, chronological order

y. On November 13, 2018, the OCE replied: "no worries friend. i work on concealment now and let you know when it ship out. now that you purchase and i see you serious we speak more free. You understand how best use? if not i work with product for many times and have great understanding. you have ricin question you ask ok."

z. On November 14, 2018, KIM replied: "thank you for your patience. how long do you think shipping will take?"

aa. On November 14, 2018, the OCE stated: "not take to long friend. My contact at post is on holiday and not able to ship until 19th or 20th. You need before for urgent reason? or is sending then ok. You let me know but it much safe for all to send when contact is back. if you ok with that I will refund shipment cost for troubles. You send me btc [bitcoin] wallet and I send you refund ok."

bb. On November 15, 2018, KIM replied: "i can wait. thank you for the quick reply."

cc. On November 20, 2018, despite the fact that KIM purchased the ricin, the sale auto-declined in the cryptocurrency market as the package had not been shipped yet.

dd. On November 20, 2018, the OCE told KIM that: "listing auto decline is mistake. i already shipped today! forgot to mark ship on market...you purchase again and i send

you tracking number soon. sorry for issue friend." The OCE also provided KIM with a link to make a new purchase on Website #1.

ee. On Wednesday, November 22, 2018, KIM replied: "It will take time for me to get funds transferred. how fast can you ship it and for me to receive package? My time window is very short now."

ff. On November 23, 2018, the OCE replied: "package ready to ship. since I make mistake I pay for fast shipping no extra cost for you. so you get in a few days after I ship. it not take weeks to get to you this way and you have ricin in time to use."

gg. On November 23, 2018, KIM stated: "i'm sure you are aware of the recent volatility with bitcoin prices. Will you be able to accept the original amount (0.05699934 BTC) of the listing? if not, i will need to wait until i can get more funds converted and i'm afraid i'm running out of time. i can send the BTC i have available and send additional funds (~0.014 BTC) if you are willing to ship now. i hope you can trust me as i think i've shown i'm a serious buyer. thank you."

hh. On November 24, 2018, the OCE replied: "Yes. Market crazy. I fix price on listing to reflect original amount of btc. you send additional amount to btc wallet after I ship ok. I do this since I made error which cause this issue and I see you are serious buyer."

ii. On November 24, 2018, KIM stated: "thank you. i just completed the order. i will send additional funds when I have funds ready and when shipping confirmation is sent. sorry don't mean to pester you but just want to make sure this shipment will be expedited since i am on a time constraint now."

jj. On November 24, 2018, the OCE stated: "here are tracking numbers CP967321681UA. might take day are so to show in system. I put rush on shipping like you need. Maybe there Wednesday or Thursday they say. I send you btc wallet address soon so let me know when you have other fund."

kk. On November 26, 2018, KIM stated: "thank you. i will message you as soon as funds are ready. what is the shipping method (i.e. DHL, Fedex)?"

ll. On November 26, 2018, the OCE replied: "contact at post say national post deliver through usps in america. Have you check tracking at usps website."

mm. On November 28, 2018, the OCE stated: "Hey friend you have rest fund? I have wallet to send you when ready. Also I tell you of package you order. You find ricin in battery part of toy truck ok. You need special tool to open battery part ok. I put wrench in bag. Ban on underneath part of truck. Sometime tool is issue. When you get package you try open fast and make sure tool work. If you have problems with tool I send new one right away ok so make time frame you need."


nn. On November 28, 2018, the Honorable Karen L. Stevenson authorized an anticipatory search warrant in 18-MJ-03151. The warrant authorized the installation and monitoring, for a period of up to fourteen days, of a Global Positioning System ("GPS") tracking device (the "TRACKING DEVICE") placed inside a package (the "SUBJECT PACKAGE") created and delivered by law enforcement. The SUBJECT PACKAGE contained a toy vehicle. The bottom of the toy vehicle had a battery compartment with a cover secured by a small screw. A vial of a harmless substance purporting to be ricin was placed in the battery compartment. A switch (the "BEEPER") on the battery compartment that notified law enforcement when the battery compartment was opened or closed. The SUBJECT PACKAGE was affixed with an international postal tracking number CP967321681UA, addressed to Steve Kim, 5670 Wilshire Blvd, Floor 24, Los Angeles, CA 90036 (the "TARGET ADDRESS"). The warrant authorized the search of the person or persons who, based on the BEEPER, opened the compartment containing the vial of substance purporting to be ricin.

oo. On November 29, 2018, a law enforcement officer purporting to be a United States Postal Service employee delivered the SUBJECT PACKAGE to the TARGET ADDRESS. KIM took custody of the SUBJECT PACKAGE, and took the SUBJECT PACKAGE to his residence that evening. At approximately 6:48 p.m., the BEEPER was activated in KIM's residence, and, at approximately

7:15 p.m., law enforcement entered the residence pursuant to a search warrant. KIM was identified as the individual who had activated the BEEPER, and was subsequently placed under arrest. During a Mirandized interview with law enforcement, KIM admitted to purchasing ricin from Website #1 and described marital issues between him and his wife.

CONCLUSION

7. Based on the foregoing facts and opinions, and on my training and experience, I believe that there is probable cause to believe that TARGET SUBJECT STEVE KIM violated Title 18, United States Code, Section 175(a) (Prohibition with Respect to Biological Weapons), including by attempting to acquire, retain, and possess ricin for use as a weapon.


STUART D. WRIGHT
Special Agent - FBI

Subscribed and sworn to before me
This 30 day of November, 2018


United States Magistrate Judge